

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SCOTT KOUNOVSKY,

)

8:09CV258

)

Plaintiff,

)

)

v.

)

**MEMORANDUM  
AND ORDER**

)

DOUGLAS COUNTY

)

CORRECTION CENTER,

)

)

Defendant.

)

This matter is before the court on its own motion. On September 9, 2009, the court entered a Memorandum and Order directing Plaintiff to file an amended complaint no later than October 9, 2009, in order to state a claim upon which relief may be granted against Defendant. (Filing No. [8](#).) The court warned Plaintiff that failure to file an amended complaint by that deadline would result in the dismissal of this matter without further notice. (*Id.*) Plaintiff has not filed an amended complaint or any other response to the court's September 9, 2009, Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

October 15, 2009.

BY THE COURT:

*Richard G. Kopf*

United States District Judge